

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No: 3:17-CV-00652-RJC-DSC

SNYDER’S-LANCE, INC. and PRINCETON
VANGUARD, LLC,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant’s “Motion to Compel Production of Documents” (document #53) and the parties’ briefs and exhibits.

In its Reply brief, Defendant states that the parties have reached agreement regarding Requests for Production Nos. 15 and 16. The only unresolved issue is whether Plaintiffs must respond to Request for Production No. 7. Defendant seeks production of communications arising after the close of discovery in the Trademark Trial and Appeal Board proceedings where Plaintiffs’ own consumers use “pretzel crisps” and related terms in lower case letters.

For the reasons stated in Defendant’s briefs, the Court concludes that Defendant is entitled to complete responses to Request for Production No. 7.

IT IS THEREFORE ORDERED that:

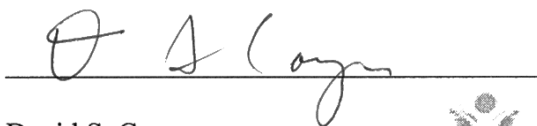
1. Defendant’s “Motion to Compel Production of Documents” (document #53) is **GRANTED** as to Request for Production No. 7. Within fifteen days of this Order, Plaintiffs shall produce all documents responsive to Request for Production No. 7. in the format as they are kept in the ordinary course of business, along with accompanying

metadata. Plaintiffs shall identify all responsive documents that were not retained during the course of litigation.

2. The parties shall bear their own costs at this time.
3. The Clerk is directed to send copies of this Order to the parties' counsel and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: March 26, 2019

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

